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**MINUTES OF THE MEETING OF THE
BOARD FOR GEOLOGISTS AND GEOPHYSICISTS AND
TECHNICAL ADVISORY COMMITTEE (TAC)**

December 2, 2005

2535 Capitol Oaks Drive
Sacramento, CA 95833-2926

1. CALL MEETING TO ORDER

Craig Copelan, President, called the meeting to order at approximately 9:10 a.m. Mr. Copelan announced that due to late arrival of Board member Schmidt the agenda would have to be juggled as the Board would be unable to take action on items prior to his arrival.

2. ROLL CALL TO ESTABLISH QUORUM

Craig Copelan, President
William E. Black
Robert A. Matthews, Ph.D., Vice President (arrived approximately 9:15 a.m.)
Jeffrey Schmidt (arrived approximately 10:24 a.m.)

TAC Roll Call

Tony Sawyer, Chair
Tom Crosby (unable to attend)
Kris Vyverberg (arrived approximately 1:00 p.m.)
Seena Hoose (unable to attend)
Joe Mello
Martin Miele (unable to attend)
Roy Shlemon

Others in Attendance:

Paul Sweeney, Executive Officer
George Dunfield, Enforcement Manager
Christine Doering, Staff Services Analyst
Corrine Gray, Staff Services Analyst
Mike Luksic, Engineering Geologist
Gary Duke, Senior Legal Counsel, Department of Consumer Affairs
Tracey Montez, Department of Consumer Affairs, Office of Examination Resources (OER)

The Mission of the Board for Geologists and Geophysicists is to Continuously Enhance the Quality, Significance, and Availability of Geological and Geophysical Services Offered to the People of California

Charles Nestle, Association of Engineering Geologists (AEG)
Betsey Mathieson, Exponent
Rick Rempel, Rempel Consulting Inc.
Livia Borak, Center for Public Interest Law (CPIL)
Misty Kaltreider, Solano County Department of Resources Management
Judy Wolen, Association of Engineering Geologists (AEG)

3. INTRODUCTION OF NEW STAFF MEMBERS

Mr. Sweeney introduced the newest staff members of the Board for Geologists and Geophysicists.

- Mike Luksic, Engineering Geologist, started October 2005.
- Corrine Gray, Staff Services Analyst, with the State since 1989, started October 2005.
- Christine Doering, Staff Services Analyst, started November 2005.

4. REPORT ON THE ANNUAL MEETING OF THE NATIONAL ASSOCIATION OF STATE BOARDS OF GEOLOGY (ASBOG®) IN PORTLAND, MAINE, NOVEMBER 1-6, 2005

Mr. Sweeney distributed additional documents: ASBOG® Complete Task Analysis 2005, brochure “ASBOG® Tasks of a Professional Geologist”. The following documents were included in the board packet and presented by Mr. Sweeney: budget; report from independent CPA; IRS Form 990; proposed amendments on the charters and bylaws (the ASBOG® Executive Committee proposed eliminating three (3) committees: Committee on Continuing Education, Committee on Charter and Bylaws, and Committee on International Relations); brief summary of task analysis; letter from ASBOG® to the Committee on Commerce for Arizona; and a copy of the Board’s contract with ASBOG®. Mr. Sweeney further reported that the Executive Director’s contract had been extended for five (5) years (previously on an annual basis) through Unicorns Unlimited with ASBOG® for administrative services. Next year’s meeting will be held in Salt Lake City, Utah.

5. EXAMINATION COMMITTEE REPORT

Mr. Sweeney reported that the Examination Committee met November 4, 2005 (first meeting for two new committee members). Board member Black was in attendance. They reviewed the Spring 2006 exam materials and worked on revamping the Geophysicist exam based on the task analysis that was presented to the Board in July, 2005. The committee will meet again on January 20, 2006 to finalize exams for March 3, 2006.

6. LEGISLATIVE COMMITTEE REPORT

a. SENATE BILL 228 (authored by Senator Figueroa)

Mr. Sweeney presented Senate Bill 228 (Figueroa). It was signed by the Governor on October 7, 2005 and chaptered by the Secretary of State on the same day. The bill changed licensee titles from “Registered Geophysicist” to “Professional Geophysicist”, effective January 1, 2006.

The bill also extended the Board for Geologists and Geophysicists. The actual language of the bill states: “existing law provides that these provisions (keeping the Board active) are to become inoperative and are repealed on July 1, 2006, and January 1, 2007, respectively. This bill would instead make these provisions inoperative and repeals on July 1, 2008, and January 1, 2009, respectively.” Mr. Sweeney stated that the anticipated timeline would be the following in order to have the Board extended again: sunset hearings before the Joint Committee on Boards, Commissions and Consumer Protection in Fall of 2006, legislative bill in Spring of 2007, and the bill signed by the Governor in Fall of 2007.

b. OTHER LEGISLATIVE BILLS AND ISSUES

Mr. Sweeney presented a letter from the Governor dated Feb 17, 2005 which withdrew the reorganization plan as well as letter from Kristin Triepke dated June 16, 2005 which recommended combining the Board for Geologists and Geophysicists and Board for Professional Engineers and Land Surveyors into the Board of Earth and Structural Sciences.

7. EXECUTIVE OFFICER’S REPORT

a. BUDGET REPORT

Mr. Sweeney reported on the status of the number of licensees. As of Nov 6, 2005 there were 4792 Professional Geologists (PG), 1575 Certified Engineering Geologists (CEG), 821 Certified Hydrogeologists (CHG) and 229 Registered Geophysicists (RGP) with clear licenses.

By license type the delinquency rates were: Professional Geologists 9.4% (452/4792), Certified Engineering Geologists 9.3% (146/1575), Certified Hydrogeologists 2.4% (20/821), and Registered Geophysicists 25.3% (58/229). The overall average delinquency rate is 9.1% (676/7417), which has declined a few percentage points over the last couple of years.

Mr. Sweeney presented the final month 13 budget report which showed that as of July 26, 2005 the Board had a 0.2% surplus. He emphasized that the budget continues to be tight. As of the end of October the Board had 59.3% of the budget remaining. The budget will have to be closely monitored for the

remaining seven (7) months of the fiscal year.

Mr. Sweeney reported that two Budget Change Proposals (BCP) had been submitted for approval and would be reported on in closed session as they are confidential in regard to their status. One would increase expenditure authority and the other would add an Office Technician to the staff.

b. ENFORCEMENT REPORT

Misty Kalreider, Geologist, Solano County Department of Resources Management submitted a testimony card to request guidance on her inquiry of 10/24/05 regarding the Solano County Sewage Standards Ordinance Ch. 6.4.

Mr. Dunfield distributed the ordinance document and summarized Ms. Kalreider's inquiry for the Board. Mr. Dunfield stated that the issue was septic system design. Given that Registered Health Environmental Specialists (RHES) could perform certain scopes of work and that the most difficult aspect of septic system design is the percolation rate, and the suitability of the soils and/or bedrock for stability issues and the ability to absorb a given rate of leachate, Ms. Kalreider inquired as to whether or not a Professional Geologist could perform such work.

Mr. Dunfield opined that since it's a scope of practice issue, in those areas where the specialty and the key aspects are geology the work could be done by a Professional Geologist. He reported that the Engineering Board is in the process of evaluating this as well.

Mr. Duke stated that the legal issue of whether or not this is licensed practice depends upon the extent which independent judgment and discretion are used in making geologic determinations. He felt that the input of the Board's experts and the Engineers Board was needed. Board staff is waiting on information from the Engineers Board.

Several comments were made by meeting attendees. Mr. Shlemon stated that the TAC has addressed this issue several times. Soil scientists do septic system designs in many jurisdictions. Other disciplines are doing this and have been for years. Mr. Nestle stated that in Los Angeles County percolation tests are done by Geologists, soils engineers, and RHES', and that the results are used to design the system. Ms. Matthieson questioned the appropriateness of a RHES determining depth of bedrock.

Mr. Copelan stated that in order to take any action on the issue a quorum would be necessary. He asked Mr. Dunfield to provide a brief summary when Mr. Schmidt arrived.

George Dunfield gave the following statistics:

- 6 New cases opened;
- 5 Warning/Compliance notices issued;
- 3 Cases sent to technical experts;
- 3 Cases referred to BPELS;
- 1 Case referred to the Attorney Generals Office;
- 1 Joint case evaluation with a county District Attorney's Office;
- 8 Citation and Fines issued; and
- 19 Cases closed

- The Enforcement Oversight Committee (EOC) met on August 16, 2005 to manage and direct the effectiveness of the enforcement program. The committee had the opportunity to review 37 closed cases (Enforcement Report page 11; August 16, 2005 EOC Meeting Agenda). Sarina Best updated the enforcement statistics database (CAS) to reflect the enforcement case closures for the EOC meeting.
- Docket No. DO45949 (Fourth Appellate District, Division One, Court of Appeal) for appeal of Superior Court Case No. GIC834315 is currently being calendared. A second appeal of similar Superior Court findings by the same respondent is to follow in early spring of 2006.
- The Attorney General's (AG) Office has appointed Deputy Attorney General (DAG) Jim Ledakis as Board liaison on October 1, 2005. Our previous AG-Board liaison, DAG Susan Ruff, has taken a position as an Administrative Law Judge (ALJ) and has made herself available to the Board for transition to DAG Ledakis and as a future reference for any existing issues.
- The Board received a request from Solano County Department of Environmental Health to clarify whether Professional Geologists may complete septic system submittals to Solano County Environmental Health staff (Enforcement Report pages 15 and 16).
- The Board has acquired its two new budgeted enforcement staff members; Mike Luksic (PG No. 7310) and Corrine Gray who began working for the Board on October 3, 2005 and October 13, 2005, respectively. Corrine brings extensive knowledge of DCA policies, procedures and CAS database experience while Mike brings his knowledge of the field to the Board's enforcement unit.
- After discussions with State Water Resources Control Board (SWRCB) management, the Board enforcement staff conducted an outreach presentation on November 17, 2005 of the role of the Board to support of standards of practice for government agency programs such as the Underground Storage Tank cleanup Fund (FUND) within the Division of Financial Assistance at the SWRCB. Michael Lauffer was named Chief Counsel of the SWRCB (Enforcement Report pages 17 and 18).

Area of Practice Category Summary of Open Enforcement Cases

The 39 active enforcement cases can be broken down into the following three categories:

Category	Number of Cases	Approximate Percentages
Environmental Geology		
Soil contamination	2	5%
Ground water contamination	20	51%
Environmental Geology (other)	3	8%
<u>Subtotal, Environmental Geology Category</u>	<u>25</u>	<u>64%</u>
Engineering Geology		
Slope stability	1	3%
Faulting	2	5%
Engineering Geology (other)	2	5%
<u>Subtotal, Engineering Geology Category</u>	<u>5</u>	<u>13%</u>
General Geology		
Economic Geology	2	5%
Ground water – supply/evaluation	1	3%
Geophysics	4	10%
Miscellaneous	2	5%
<u>Subtotal, General Geology Categories</u>	<u>9</u>	<u>23%</u>
Total	39	100%

8. SECOND ROLL CALL TO ESTABLISH QUORUM

Craig Copelan, President
Robert A. Matthews, Ph.D., Vice President
Jeff Schmidt
William E. Black

9. PUBLIC COMMENT ON NON-AGENDA ITEMS

Misty Kalreider, Geologist, Solano County Department of Resources Management inquired as to the status of her request for temporary authorization for a CEG (Certified Engineering Geologist) to practice in Solano County on Solano County projects. Mr. Duke clarified that an application for a specific project would be required and that the temporary authorization is limited. Mr. Duke further stated that Board would not be able to consider her application at this meeting as the issue is not on the current agenda. The item will be calendared for the next Board meeting.

Betsey Matthieson inquired about the status of soliciting applications to fill the three vacancies on the Board. Mr. Sweeney stated the Board has not received any information from the appointments office. Mr. Duke advised that Ms. Matthieson contact Nancy Hall as Ms. Hall, Deputy Director for Board Relations within the Department of Consumer Affairs, serves as the conduit with the Governor's Office.

10. APPROVAL OF MINUTES OF THE JULY 15, 2005 BOARD MEETING

Dr. Matthews moved to approve the minutes from the July 15, 2005 Board meeting. Mr. Black seconded the motion. The motion passed unanimously.

11. PRESENTATION OF THE RECOMMENDATION OF THE FOCUS GROUP OF MAINTAINING, MODIFYING OR ELIMINATING THE CALIFORNIA-SPECIFIC PORTION OF THE CALIFORNIA PROFESSIONAL LICENSING EXAMINATION

Dr. Tracey Montez presented to the Board the recommendations of the focus group on the California-Specific exam. The Board had previously requested the OER (Office of Examination Resources) hold a task force workshop to evaluate and set forth a recommendation.

Nancy Linn, Test Development Specialist, conducted the Focus Group two-day workshop on October 6-7, 2005. The Focus Group consisted of seven (7) individuals that had been selected by the Board at their July 15, 2005 Board Meeting from a group of applicants. The group met and worked with Ms. Linn to review a number of pieces of information including the occupational analysis, examination statistics, and the ASBOG® exam. They discussed the intent of licensure which is regulation and whether or not the California-Specific Exam met that intent. The conclusion from the focus group was that the California-Specific Exam as it stands is not meeting the intent. It is not regulating and testing the minimally acceptable competence for entry level practice in a manner that is as valid and fair and legally defensible as would be preferred. The group felt that it was indeed important to acknowledge that California is unique and for those practicing in California to know what is unique about it, but that it is not necessary to do so in the current manner. Dr. Montez stated that it is important that the difference between education and regulation be understood.

She recommended that the candidates be responsible for reviewing a handbook (that has the information on key documents) and answer questions regarding the material (answers to which would be provided in the handbook). The candidates would be required to read through the handbook, have a general understanding of the material and submit back to the Board their written responses to be placed on record. In this way the candidates would at least be aware of the uniqueness of California. Dr. Montez strongly recommended that the Board continue to monitor

enforcement rates to ensure that a spike in problems that could be tied to the uniqueness of California that would necessitate a reinstitution of the California-Specific Exam does not occur. She further recommended that the Board continue monitoring the ASBOG[®] exam to ensure that the exam is testing geology practice in an acceptable manner.

Mr. Black motioned that the Board adopt the recommendation made by Dr. Montez to eliminate the California-Specific portion of the exam based on the focus group's recommendation. Dr. Matthews seconded the motion. The motion passed unanimously.

Mr. Shlemon inquired as to the logistics of implementing the changes. Mr. Sweeney advised that it would be necessary to give the exam one more time as the law still requires it. The Office of Examination Resources (OER), the Exam Committee and the Board will work together to produce a guidance document for candidates.

Mr. Nestle and Mr. Shlemon voiced concerns regarding landslide-specific questions with the national exam. Mr. Sweeney advised that California has had a strong influence on the ASBOG[®] exam and provided the contact information for ASBOG[®].

12. CONSIDERATION OF APPROVAL OF COMITY APPLICATIONS FOR LICENSURE VIA SECTION 7847 OF THE GEOLOGISTS AND GEOPHYSICISTS ACT

Mr. Sweeney provided supplemental documents that had been received since the Board packets had been produced. He stated that it was the staff recommendation that all the applicants be granted licensure via 7847 with the exception of Mr. Durrani. Mr. Black commented that no documentation had been received regarding Mr. Durrani's name change. Mr. Duke defined the nature of the equivalence for licensure under 7847. Mr. Sweeney recommended deferring Mr. Durrani's application to the next meeting. Mr. Copelan stated that Mr. Durrani would be calendared for the next Board Meeting.

Board Member Dr. Matthews motioned to approve all the comity applications listed with the exception of Durrani due to lack of name change documentation obtained. Board member Schmidt seconded the motion. The motion passed unanimously. Comity applications were granted for the following applicants: Shengzao Chen, Thomas Jeffrey Gamey, Doann Marie Hamilton, Edward Anthony Kwasnica, Norman LM Lee, Jerry A. Lineback, Bashir Ahmed Memo, Bruce Douglas Miller, Christopher Alexander Noland, Michele Lusk Ochs, Percival Inamac Pamatian, Virgilio Jacinto Santos, Michael Edward Wilson, Shane Michael Olton, Eriberto Mendoza Arevalo, and Jack C. Robinson.

13. EXECUTIVE OFFICERS REPORT (REVISITED) – OTHER INFORMATIONAL ITEMS

Mr. Sweeney presented a copy of the Geologist In Training (GIT) certificate for Melissa Fite who was the first to receive such certificate.

Mr. Sweeney announced AEG's 50th Annual Meeting, Sept 24-29, 2007, Sheraton Universal Los Angeles, California and requested preliminary approval to have a presence at the meeting. Approval was granted to Mr. Sweeney by the Board to proceed with preparations for the AEG Annual Meeting in Los Angeles in 2007.

Per Mr. Sweeney, both the Department of Consumer Affairs and Geology Board websites are doing well. The Board is hoping to have the ability to include audio files of Board meetings on the Geology Board website by the end of 2006.

Mr. Sweeney further stated that GIS (Geographic Information Science) is growing significantly, and Petroleum Geology is making a strong rebound. He also provided information as to who can obtain licensee information and the range of associated costs.

Mr. Sweeney announced that many departments within the Department of Consumer Affairs are relocating from the 400 R Street location in Sacramento. WHERE?

14. LEGAL REPORT

Mr. Duke stated that there are several regulations in process with the Office of Administrative Law (OAL). In regard to the Complaint Disclosure Policy some technical changes have been made and Mr. Duke had been notified that OAL was recommending it for approval. Mr. Duke further noted that the Geology Board is one of the first board's to put such a policy into regulation. Mr. Copelan inquired as to the timeline to follow. Per Mr. Duke the regulation would be filed with the Secretary of State (on December 2, 2005) and would become law effective 30 days from the date of filing.

15. SET MEETING SCHEDULE FOR 2006

The Board set the following meeting dates: February 17, May 19, August 11, and November 17, 2006.

16. PUBLIC COMMENT ON NON-AGENDA ITEMS (REVISITED)

Mr. Dunfield summarized the inquiry made by Ms. Kalreider in regard to Solano County Sewage Standards Ordinance 6.4, as to whether or not it is possible that licensed Geologists could perform the entire scope of work from characterization and installation of an off the shelf type of system. Per Mr. Dunfield the key aspect

of this type of project is the geology.

17. CLOSED SESSION

The Board closed the Open Meeting and went into closed session pursuant to Government Code §§ 11126(a) and (b), 11126(c)(1), 11126(c)(3) and 11126(e)(1)] to discuss personnel matters, examination procedures and results and pending litigation.

18. REPORT ON RESULTS OF CLOSED SESSION

The Board discussed legal, financial and examination issues.

Mr. Copelan asked Mr. Duke about the possible utilization of alternative means to meet such as teleconferencing for the committee. Mr. Duke stated that would be possible; however, there would be logistical details including ensuring that the open meeting notice requirements were met.

Mr. Sawyer inquired as to what legally constitutes a “meeting” among TAC or Board Members. Mr. Duke defined the requirements as to communications between such members.

19. TECHNICAL ADVISORY COMMITTEE MEETING AND REPORT

The Technical Advisory Committee portion of the Board Meeting commenced and it is noted that a quorum of the TAC is present as noted in the Roll Call.

a. APPROVAL OF MINUTES

Mr. Sawyer advised that the TAC had not received copies of the minutes from the July 1, 2005 meeting. Mr. Sweeney passed out copies of draft minutes to all present. Mr. Sweeney asked Mr. Sawyer why he had not returned his many calls in November to discuss the draft minutes. Mr. Sawyer did not respond. TAC members stated that they were unable to approve the minutes as more time was needed for review of their notes as they had not received copies of the minutes in advance of the current meeting. Mr. Sawyer suggested that the TAC refer to the audio tapes of the meeting in their review. Mr. Sweeney stated that copies of those tapes would be provided. (Note: All TAC and Board Members received copies of the tapes from the July 1, 2005 TAC meeting during the third week of December, 2005.)

b. REVIEW AND FINALIZATION OF PRACTICE GUIDELINES

Mr. Sawyer stated that five (5) of the topics have been completed so far and that the committee is finalizing two (2) or three (3) more. It is an ongoing project and the committee continues to work on the remaining items. Mr.

Sweeney stated that the Board had received the following completed assignments from the TAC: Leachfields (JC Isham), Vadose Zone Transport (Roy Shlemon), and Groundwater (Tony Sawyer). Mr. Sawyer stated the Seena Hoose had also completed her document on well installation/construction. Thomas Crosby will take over the landslides topic as Mike Hart is no longer with the TAC.

Mr. Shlemon questioned the usefulness of the documents to the Board at current time and inquired as to whether or not the Board believes the documents currently have value. The Board indicated that they did find the documents to be of value. Mr. Copelan suggested that the TAC aim for completion by the May meeting.

Mr. Shlemon asked if there were any additional topics that should be added to the list. The topic of faulting was recommended by the Board. Mr. Shlemon and Mr. Sawyer will work together on this topic.

TAC Assignments:

- Soil Sampling/Mass Wasting (Thomas Crosby)
- Well Installation/construction (Seena Hoose)
- Interpretation of Well Data (Seena Hoose)
- Leachfields (JC Isham)
- Vadose Zone Transport (Roy Shlemon)
- Groundwater (Tony Sawyer)
- Landslides (Thomas Crosby)
- Sedimentation (Joe Mello)
- Faulting (Roy Shlemon/Tony Sawyer)

Mr. Mello asked Mr. Duke if a draft copy of a document could be distributed for review at a meeting. Mr. Duke stated that it was alright as long as access to the text was available to members of the public at the meeting. Copies of Mr. Mello's "Erosion and Sedimentation" draft document were distributed to meeting attendees. Mr. Sawyer suggested that TAC members review the document and bring comments to discuss and finalize at the next TAC meeting.

c. REVIEW AND FINALIZATION OF PROPOSED CHANGES TO B&P CODE 3065

Mr. Sawyer stated that he is currently working on this and that it will be completed for TAC review at the next meeting. He further stated that the Engineers Board had recently updated theirs and it was necessary to ensure that they are in sync. Mr. Duke stated that the Architects Board is working on modifications as well.

d. CONTINUING EDUCATION

Mr. Sawyer stated that the committee was presented with this task at the last board meeting and that they wanted to discuss at this TAC meeting. Mr. Sweeney distributed to all present a table put together by ASBOG[®] that indicated continuing education requirements by state. Alabama, Delaware, Kansas, Minnesota, New Hampshire and South Carolina require continuing education.

Mr. Shlemon reported that some methods for handling continuing education requirements are: academic courses, annual meetings, video courses, participation in professional activities, making presentations, etc. He further stated that the International Erosion Control Association (IECA), an association to which he belongs, has a hierarchy that may be of use as a model for methods by which continuing education credits can be obtained. Mr. Shlemon recommended that the TAC members look at other professional associations, how they handle continuing education, and provide the committee with information at the next meeting. Mr. Sawyer stated that he would investigate how other state agencies that license professionals handle continuing education.

The TAC committee will review the continuing education concept, make recommendations, and suggest guidelines as to how requirements could be accredited and implemented. The topic will be discussed at the next TAC meeting.

e. UPDATE ON FORESTRY ISSUES

Per Mr. Shlemon Forestry TAC was established by the Division of Mining and Geology in response to a concern that licensed geologists were not being used. Mike Hart had previously acted as the liaison between Forestry TAC and the Board. Roy Shlemon now serves in this position.

Ms. Vyverberg distributed the document “Flood Prone Area Considerations in the Coast Redwood Zone” which was developed for guidance for Timber-Harvest plans. Ms. Vyverberg stated that the document is a joint effort between herself, the Fish and Game headquarters staff, Fish and Game Regional Biological, North Coast Regional Water Quality Control Board (NCRWQCB), and Tom Spittler as consultant to California Department of Forestry (CDF), in regard to Timber-Harvest activities/processes. It has been approved by the Board of Forestry and has been placed on their website. The document speaks to geologic and geomorphic considerations that need to be addressed.

Mr. Sweeney asked if there were any forestry action items. Mr. Sawyer stated

that he had asked Ms. Vyverberg to provide an update on these issues. Ms. Vyverberg stated Fishing and Game is currently reviewing the document and will be providing comments by the end of December 2005. Per Ms. Vyverberg the review process and modifications should unfold by March 2006.

f. DISCUSSION OF TAC'S ROLE AND RESPONSIBILITIES OF CHAIR AND MEMBERS

Mr. Sawyer stated that the role of the TAC is to provide the Board with technical expertise. It is the responsibility of the TAC to be representatives of the profession and present the Board with issues which the profession feels need to be addressed.

g. OTHER TAC ISSUES

Mr. Sawyer expressed concerns regarding the information that the committee has been receiving regard to the Board's budget situation. He inquired as to why the fee increase had not yet taken effect. He further expressed frustration with meeting changes/cancellations and the associated effects on the committee's ability to complete their work. He recommended that the Board have an outside audit of the budget situation conducted. Mr. Sawyer further asked that the Board review the performance of the Executive Officer.

Mr. Shlemon initiated discussion regarding setting the 2006 TAC meeting schedule. Mr. Sawyer stated that the purpose of TAC meeting two weeks prior to the Board meeting was to accomplish something as a group in order to present at the Board meeting.

The TAC set the following meeting dates: February 3, May 5, July 28, and November 3, 2006.

Mr. Sawyer requested that the Board go into another closed session to discuss the performance of the Executive Officer. Per Mr. Duke this was not possible as the law states that Mr. Sweeney must be given twenty-four (24) hours written notice prior to such a session, and that the ten (10) day open meeting notice requirements must be met. Closed session will take place either at the February 2006 board meeting or prior.

The committee determined agenda items for the next TAC meeting would be the following ongoing tasks: Practice Guidelines, Business & Professions Code 3065, Continuing Education, and Chairperson's Report.

Mr. Shlemon stated that a list of potential candidates for the TAC was needed (three (3) members have upcoming term expirations occurring June 30, 2006). Mr. Sweeney advised that an announcement has already been posted in order to solicit applications. This item will be added to the next meeting agenda.

Mr. Shlemon made a motion to close TAC meeting. Ms. Vyverberg seconded the motion. The motion passed.

20. OTHER ANNOUNCEMENTS

Discussion regarding performance of the Executive Officer will occur at the next board meeting on February 17, 2006, or sooner if possible.

21. ADJOURNMENT

The meeting was adjourned at 2:46 p.m.

CRAIG A. COPELAN, P.E., BOARD PRESIDENT

PAUL SWEENEY, BOARD EXECUTIVE OFFICER

Date Approved: February 17, 2006